



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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August 16, 2004

Dear Interested Citizen:

Enclosed is a package of proposed changes to the rules governing recreational fisheries for game fish, food fish, and shellfish. This notice is being sent to everyone on our sportfishing rule development list, which consists of approximately 2,200 names. These include regulatory agencies, tribal biologists, sport clubs, interested citizens, and advisory groups. We look forward to receiving your comments (testimony) or ideas concerning the enclosed proposed changes. This notice and the enclosed information are also available on our website at <http://wdfw.wa.gov/>.

This regulation cycle is what we have termed a "minor cycle." In minor cycle years, we only accept proposals from department staff, and these are limited to conservation concerns, housekeeping issues, significant recreational opportunities, and Commission requests or rules from other forums. At the end of this document you will find an advisory from the Fish and Wildlife Commission stating they would like the Department to consider (in a future rule change cycle) a proposal to require anglers to use only knotless nets, so that fish not kept can be more easily released unharmed.

The **public hearing** for these proposed rules will be held during the Fish and Wildlife Commission meeting on November 6 and 7 at Campbell's Resort, 104 W. Woodin Avenue, Chelan. The exact day and time when the Commission will hear this issue has not yet been determined. For details, please check the Department's website or call the WDFW Fish and Wildlife Commission office at (360) 902-2449 prior to the meeting. Verbal testimony on the proposals may be presented at the hearing. Written testimony may be sent to Evan Jacoby, Rules Coordinator, Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501. Mr. Jacoby must receive all written testimony by November 6. If you plan to attend the public hearing, you may also submit written or oral testimony at that time.

Both written and oral testimony will be carefully considered by the Commission. At the adoption hearing, these proposals: (a) may be adopted as proposed; (b) may be modified; or (c) may not be adopted. The effective date of any changes will be May 1, 2005, unless otherwise noted in specific proposals that are adopted. Permanent rules remain in effect until formally changed.

If you are a person with a disability and require accommodation for attendance, please contact Susan Yeager at (360) 902-2267. This publication is available in alternate formats upon advance request. Please contact (360) 902-2200 or TDD (360) 902-2207. Please allow seven working days to process the request.

The Pre-Season Salmon Management Process

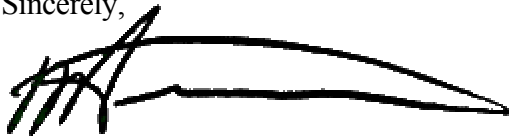
Another process that shapes recreational salmon fisheries in Washington waters is called the North of Falcon process. The final product from this process is a management plan that coordinates recreational, commercial, treaty, and non-treaty salmon fisheries in waters north of Cape Falcon, including both marine and freshwater areas in Washington State. A series of public meetings is scheduled in March and April in conjunction with the Pacific Fishery Management Council's ocean season-setting process. These meetings are attended by federal, state, and tribal managers, special interest groups and concerned citizenry. You are welcome and encouraged to attend any of these meetings. Please contact Customer Service at (360) 902-2700 for details. **Along with any changes made in the minor cycle rule change process, the recreational rules resulting from the North of Falcon process will also be included in the 2005-2006 sportfishing pamphlet.**

Pacific Halibut

The Pacific Fisheries Management Council, the National Marine Fisheries Service and the International Pacific Halibut Commission have the primary responsibility for regulating this fishery. Rules for the 2005 recreational fishery for halibut have not been established. Final decisions on these rules will be made in early 2005. WDFW will be hosting a public workshop on the proposed regulations. For more information on this process, please call (360) 249-4628, extension 211.

Thank you for your interest in Washington's fisheries resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lew Atkins', with a long horizontal flourish extending to the right.

Lew Atkins
Assistant Director
Fish Program

Enclosure

SPORTFISHING RULE PROPOSALS



August, 2004

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CONSERVATION REGULATIONS

#1. Dolly Varden/bull trout Removal from Fresh Water

Proposal: Add Dolly Varden/bull trout to the list of species that may not be totally removed from fresh water (except the Columbia River downstream of the Rocky Point/Tongue Point line) unless it is legal to retain them.

Explanation: The Columbia River, Puget Sound and coastal populations of bull trout are currently listed as “threatened” under the provisions of the Endangered Species Act (ESA). Puget Sound and coastal populations of Dolly Varden have been proposed for a “threatened” listing. The proposed rule would provide an extra measure of protection for these fish, since the stress of holding the fish out of the water for a picture, dragging it onto the shore, or removing it from the water and placing it in the bottom of a boat can cause mortality in fish that are released.

#2. Illegal to Take, Fish for, Or Possess Lamprey

Proposal: Make it unlawful to take, fish for, or possess Pacific, western brook, and river lamprey statewide.

Explanation: Currently, lamprey are unclassified wildlife and there are no seasons or harvest limits. The three species listed above are the species native to Washington, and are all currently petitioned for listing under the ESA. Counts of Pacific lamprey at Columbia River dams have been declining dramatically over the past 60 years.

#3. Closure Near Toliva Shoal

Proposal: Close the area within 500 yards of the Toliva Shoal buoy (Marine Area 13) to fishing for food fish and game fish, except open May 1 – June 15 with rockfish release.

Explanation: The building of the 2nd Tacoma Narrows Bridge will create artificial rocky habitat around the existing and new bridge towers. The Puget Sound Groundfish Management Plan calls for the closure of new artificial rocky habitats to protect rockfish and other sensitive bottomfishes. The negotiated mitigation plan for the bridge calls for the creation of a small artificial rocky habitat that might attract juvenile rockfishes to the existing artificial habitat at Toliva Shoal. Closure is also sought to protect the new artificial habitat at Toliva Shoal. Salmon fishing is proposed for closure because rockfish may be caught as unintended catch during salmon fishing activities. However, this area is a popular recreational fishing area, especially for lingcod, and the proposal recognizes this fact by allowing fishing during lingcod season (May 1- June 15), while still requiring rockfish release.

HOUSEKEEPING REGULATIONS

#4. Lincoln Pond Landlocked Salmon Rules

Proposal: This proposal removes the landlocked salmon rules from Lincoln Pond (Clallam Co).

Explanation: Landlocked salmon rules were added to Lincoln Pond because surplus adult coho salmon from the Dungeness Hatchery were planted in the pond for several years to provide more harvest opportunity at this “juvenile only” lake. However, poor water quality in the small pond led to mortalities and encouraged poor angling ethics (snagging of the fish). Plants of these fish have been discontinued, so there is no need for the landlocked salmon rule on this water.

#5. Cowlitz River CLOSED WATERS –Clarify Which Barrier Dam Delineates Closed Area around Cowlitz Salmon Hatchery

Proposal: Fix the language for the CLOSED WATERS designation to say: Closed waters- from 400’ or posted markers below the *Cowlitz Salmon Hatchery* barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake located about 1700 feet upstream of the *Cowlitz Salmon Hatchery* barrier dam.

Explanation: There are two barrier dams in this area of the Cowlitz River. This proposal simply makes it clear which dam is referred to in the CLOSED WATERS designation.

#6. Cowlitz River – Correct CLOSED WATERS Area Around Mayfield Dam

Proposal: Change the CLOSED WATERS area to: from 400’ below the Mayfield Dam *barrier dam* upstream to Mayfield Dam.

Explanation: The rule adopted in 2004 mistakenly listed the closed area as: from 400’ below Mayfield Dam upstream to Mayfield Dam. This opened an area to fishing between the Mayfield Dam barrier dam and Mayfield Dam. Tacoma Power, the operator of Mayfield Dam, designates this area as a safety zone and does not allow access. This proposal corrects the mistake in the rule adopted last year.

#7. Snake and Touchet River Bass Rules

Proposal: Standardize the WAC language for the bass rules on the entire Touchet River and the Snake River to: daily limit 5, no maximum or minimum size, no more than 3 over 15” may be retained.

Explanation: This proposal would fix the WAC language to mirror the management intent on these waters, which is different than the statewide rule for bass. On the Touchet, WAC language applies the special rule only above the forks, when it was meant to apply to the entire river. On the Snake River, some language about maximum and minimum size limits was inadvertently left in the WAC. This proposal fixes these two errors.

#8. Gobar Creek Steelhead Release

Proposal: Change the trout rules in Gobar Creek (Cowlitz Co) to: Minimum size 14", daily limit 2, release wild cutthroat and all STEELHEAD.

Explanation: During the last rule change cycle, in an effort to standardize rules for wild cutthroat protection, the trout rules in a number of streams, including Gobar Creek, a tributary to the Kalama River, were changed to: catch and release only except up to two hatchery steelhead may be retained. While this change was appropriate in the other waters, Gobar Creek is currently part of an ongoing research project comparing the reproductive success of hatchery-origin steelhead to their wild-reared counterparts. Allowing harvest on the hatchery fish (while no harvest is allowed for wild fish) in Gobar Creek would bias the results of the study.

#9. Oasis Park Pond Game Fish Daily Limit

Proposal: Change the daily limit on Oasis Park Pond (Grant Co) to a total of any 5 game fish, with no size restrictions.

Explanation: Oasis Park Pond is a small Lake with access controlled by the City of Ephrata. It supports a fishery for juveniles and persons with disabilities with a reduced fee license only. Last year, the City of Ephrata asked WDFW to help them add warmwater species to the pond to extend the fishing season. The daily limit set by the City and posted at the pond is an aggregate limit of 5 game fish, with no restrictions on the size of the fish. This proposal would match the City's rules to avoid any confusion.

#10. Area 7E Description and Opening Date for Crab Harvest

Proposal: Describe Area 7E as: The contiguous waters of Marine Area 7 north, south, and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island. Make the opening date for the crab fishery in this area July 16.

Explanation: This rule was changed last cycle as part of a large overhaul of the sport rules for crab. The description of the area in the WAC needed to be modified to capture our intent more clearly. The opening date of the fishery was incorrectly adopted as June 16, but should have been July 16, since crab shell condition testing has shown a significant number of soft-shell crab in this area before the middle of July.

#11. Skate Creek Cutthroat Release

Proposal: Require the release of all cutthroat in Skate Creek (Lewis Co).

Explanation: Skate Creek is a tributary of the upper Cowlitz River. We have cutthroat release rules in most streams in this area as part of our efforts to recover this species in the upper Cowlitz River watershed.

#12. Sturgeon Catch Record Card Required Statewide

Proposal: This proposal would require anglers to record on their catch record card sturgeon caught anywhere in the state.

Explanation: Even though most anglers believe otherwise, current rules only require anglers to record on their catch record cards sturgeon taken from the Columbia River, Grays Harbor, and Willapa Bay (including sturgeon taken from any tributary). This proposal would require anglers to record all sturgeon kept, regardless of where they were caught.

SIGNIFICANT RECREATIONAL OPPORTUNITIES

#13. Columbia River – Drop Ventral Fin Clip Requirement for Steelhead in Hanford Area and Ringold Bank Fishery

Proposal: Drop the ventral fin clip requirement for steelhead caught in the Ringold bank fishery from April 1-15 and in the Columbia River from Highway 395 to the Hanford townsite wooden powerline towers from November 1- March 31.

Explanation: Hatchery steelhead with only an adipose fin clip (no ventral fin clip) are bound for waters above Priest Rapids Dam. By November 1 each year a nearly all upper river steelhead have passed the Dam and are not susceptible to harvest in the Ringold area. Similarly, by April 1, the harvest of surplus steelhead at Ringold will not affect the escapement of upriver fish. This rule change has been effected by emergency rule for the last two years, and it is likely that the situation will remain stable in the foreseeable future.

#14. Open Agency-Owned Tidelands in Dabob Bay to the Harvest of Clams and Oysters

Proposal: This proposal would allow the sport harvest of clams and oysters on all agency-owned tidelands in Dabob Bay.

Explanation: The current rules contain a paragraph closing all state-owned tidelands to clam and oyster harvest, except three of the four parcels purchased by WDFW in 1993 from Coast Oyster Company. The East Dabob Bay tideland was closed so that our Engineering Division could survey and mark the newly acquired land. These tasks have long been completed, so there is no reason for this area to be closed to harvest.

#15. Puget Sound Shrimp Rules

Proposal:

- 1) Open all the marine areas of Puget Sound to shrimp fishing on the first Saturday in May.
- 2) In all marine areas of Puget Sound during the month of May:
 - a. A minimum shrimp pot mesh size of 7/8" would be required.
 - b. There would be no minimum legal size for shrimp kept.
 - c. Fishers would be allowed to remove shrimp heads in the field.
 - d. The "high effort" shrimp areas (Shrimp Districts and Marine Areas 8, 9, 10 and 11) would be open on Saturdays and Wednesdays with daily fishing hours from 7:00 a.m. to 3:00 p.m. Exception: Hood Canal would retain the 9:00 a.m. to 1:00 p.m. fishing hours. All other marine areas would be open seven days per week, with standard fishing hours.
 - e. Some shrimp areas would close for the season after the spot shrimp quotas are reached (Hood Canal, Discovery Bay, and Port Angeles Harbor Shrimp Districts, Marine Area 10, and Iceberg Point in Marine Area 7).
- 1) In all marine areas of Puget Sound beginning June 1:
 - a. Fishing would be allowed in areas with spot shrimp quota remaining and/or non-spot shrimp opportunity seven days per week with standard fishing hours.
 - b. A minimum shrimp pot mesh size of ½ inch would be allowed.
 - c. There would be a minimum size of one and three sixteenths of an inch for spot shrimp.
 - d. Fishers would be required to retain the heads on spot shrimp while in the field.

In some areas where the spot shrimp quotas have been reached, fishing will remain open for non-spot shrimp with a fishing depth restriction of 150 feet or shallower (200 feet or shallower in Marine Area 7), or area closures in lieu of depth restrictions (e.g. Port Townsend Shrimp District).

Explanation: This proposal standardizes the opening date and the days fishing is allowed throughout Puget Sound. It provides more days of spot shrimp fishing opportunity in the "high effort" areas by distributing the fishing effort throughout Puget Sound. It provides stable and predictable days of fishing opportunity and encourages participation in the non-spot shrimp recreational fisheries by opening this fishery after the primary spot shrimp season has closed

RULES FROM OTHER FORUMS

#16. Selective Gear Rules for Steelhead Catch-and-Release Fisheries

Proposal: Add selective gear rules to the targeted catch and release fisheries for steelhead during March and April in the following rivers: Bogachiel, Calawah, Clearwater, Dickey, Hoh, Hoko, and Quinault rivers.

Explanation: The moratorium on the harvest of wild steelhead, adopted by the Commission in February 2004, closed wild steelhead harvest fisheries on 12 streams. However, the game fish seasons were not closed, so the result was a targeted catch-and-release fishery in place of the former harvest fisheries for wild steelhead. To be consistent with the department's management approach for wild steelhead catch-and-release fisheries, selective gear rules should be added to these fisheries during the months of March and April. The proposal described above adds selective gear rules to 7 of the 12 streams where wild steelhead harvest was closed. The Green and Pysht rivers and Goodman Creek are not open in March and April, so the rule was not needed there. The Quillayute and Soleduck rivers have salmon fisheries (which require the use of bait) open during March and April, so the rule is not proposed for these rivers. If the steelhead moratorium is rescinded, this proposal will not need to be implemented.

#17. Lake Roosevelt San Poil Arm – Begin Closure 1 Month Earlier

Proposal: This proposal would change the date of the closure to fishing for game fish in the San Poil arm upstream of the outlet of French John Lake from Feb 1- May 31 to January 1- May 31.

Explanation: Per an existing Memorandum of Understanding between WDFW and the Colville Confederated Tribes, fishing regulations on Roosevelt Lake are coordinated so that tribal and WDFW fishing regulations are consistent with each other. The Colville Tribe recently passed a new regulation for the San Poil River (including that portion of the river associated with the San Poil Arm of Lake Roosevelt), which extends the seasonal closure to protect a wild stock of rainbow trout in the San Poil River. This proposal would match the WDFW regulation with the tribal regulation.

#18. Allow Only One Single-Pointed Barbless Hook While Fishing for Sturgeon

Proposal: This proposal restricts anglers to use only one single pointed barbless hook while fishing for sturgeon. Bait would still be allowed.

Explanation: This proposal has two major purposes: (1) To reduce mortality on broodstock white sturgeon caused by catch-and-release angling for these fish. Baits are commonly swallowed, sometimes too deep in the gut to extract the hook(s). Most anglers use one single-pointed hook to fish for oversize sturgeon. Baits with two or more single-

pointed hooks have a greater likelihood to “deep” hook the fish due to hook placement in the bait, resulting in increased numbers of broodstock retaining hooks. Annual surveys for dead oversize sturgeon consistently turn up carcasses with one to multiple hooks in the gut.

(2) To reduce mortality on released sublegal white sturgeon. About eight sublegal white sturgeon are caught for every legal-size white sturgeon retained. A growing number of anglers in this retention fishery are starting to use at least two single-pointed hooks. At times the second “free” hook snags the sublegal fish in the body rather than in the mouth, harming the released fish. This proposal will not be recommended for adoption if the Oregon Commission does not adopt the same restriction.

COMMISSION REGULATION ADVISORY – FOR FUTURE CONSIDERATION

The Commission would like to let anglers know that in the future (probably during the next major regulation change cycle) they would like to look at a rule requiring anglers to use only knotless landing nets in all fisheries, statewide. These nets have been shown to be much more “fish friendly” and allow fish that are released to have a better chance to survive. If a rule of this type were adopted, it would not take effect immediately, in order to allow both fishers and tackle manufacturers to make a smooth transition to the new type of nets.